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CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JERRY BRYAN BOWMAN II,
Petitioner,

v.

SUSAN PERRY, Warden,
Respondent.

Case No.: 15cv1235-BAS(KSC)

**ORDER GRANTING MOTION TO
AMEND [Doc. No. 17];**

**ORDER GRANTING MOTION FOR
ENLARGEMENT OF TIME [Doc. No.
15]**

On November 4, 2015, respondent filed a Motion for Enlargement of Time to File Motion to Dismiss or Answer. [Doc. No. 15.] The reason for the request for an extension of time is counsel's heavy workload. [Doc. No. 15, at pp. 1-3.]

On November 13, 2015, petitioner filed a Motion to Amend. [Doc. No. 17.] Although petitioner's Motion to Amend is difficult to read, it appears that he wishes to amend his Petition to add a newly exhausted claim. However, it appears petitioner was unable to submit an amended Petition with his Motion, because the facility where he is housed has been on "lockdown" status. [Doc. No. 17, at p. 1.] Federal Rule of Civil Procedure 15(a)(2) provides in part that: "[A] party may amend its pleading only with . . . the court's leave. The court should freely give leave when justice so requires." Fed.R.Civ.P. 15(a)(2).

1 Good cause appearing, IT IS HEREBY ORDERED that respondent's Motion for
2 Enlargement of Time is GRANTED. Petitioner's Motion to Amend is also GRANTED.
3 Accordingly,

4 IT IS FURTHER ORDERED that:

5 1. Petitioner may file and serve a Second Amended Petition for Writ of Habeas
6 Corpus no later than January 15, 2016.

7 2. Respondent shall file and serve an answer (with a memorandum of points
8 and authorities) or motion to dismiss no later than February 19, 2016.

9 3. If respondent files and serves a motion to dismiss, petitioner must file his
10 opposition to the motion, if any, no later than March 18, 2016. A hearing date is not
11 required to file a motion to dismiss. Unless the Court orders otherwise, respondent must
12 not file a reply to petitioner's opposition to a motion to dismiss. If the motion is denied,
13 the Court will afford respondent adequate time to respond to petitioner's claims on the
14 merits.

15 4. If respondent files and serves an answer rather than a motion to dismiss,
16 petitioner may file and serve a traverse to matters raised in the answer no later than ?.

17 5. Unless otherwise ordered by the Court, this case will be deemed submitted
18 on the day following the date petitioner's opposition to a motion to dismiss and/or his
19 traverse is due.

20 6. Every document delivered to the Court must include a certificate of service
21 attesting that a copy of such document was served on opposing counsel (or on the
22 opposing party, if such party is not represented by counsel). Any document delivered to
23 the Court without a certificate of service will be returned to the submitting party and will
24 be disregarded by the Court.

25 6. Respondent must lodge with the Court all records bearing on a motion to
26 dismiss and/or the merits of the Petition. Petitioner must lodge with the Court any
27 records not lodged by respondent which petitioner believes may be relevant to the
28 Court's determination on a motion to dismiss or the merits of the Petition.

1 7. Petitioner must immediately notify the Court and counsel for respondent of
2 any change of petitioner's address. If petitioner fails to keep the Court informed of where
3 petitioner may be contacted, this action will be subject to dismiss for failure to prosecute.

4 IT IS SO ORDERED.

5 Dated: December 2, 2015

A handwritten signature in black ink, appearing to read 'Karen S. Crawford', is written over a horizontal line.

Hon. Karen S. Crawford
United States Magistrate Judge